



Order Filed on August 26, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

LOWENSTEIN SANDLER LLP

Arielle B. Adler, Esq.
Bruce Buechler, Esq.
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*Counsel to the Debtor and
Debtor-in-Possession*

In re:

HOLLISTER CONSTRUCTION SERVICES, LLC,¹
Debtor.

Chapter 11

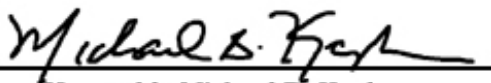
Case No. 19-27439 (MBK)

Hearing Date: July 23, 2020 at 10:00 a.m. (ET)

**ORDER RESOLVING LEONARDO DAPIA'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY TO CONTINUE WITH STATE COURT PERSONAL INJURY
CLAIM LITIGATION TO THE EXTENT OF INSURANCE PROCEEDS**

The relief set forth on the following pages, numbered two (2) through and including
four (4), is hereby **ORDERED**.

DATED: August 26, 2020


Honorable Michael B. Kaplan
United States Bankruptcy Judge

Page: 2

Debtor: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: Order Resolving Leonardo Dapia's Motion for Relief from the Automatic Stay to
Continue with State Court Personal Injury Claim Litigation to the Extent of Insurance Proceeds

Upon the motion (the "Motion") of Leonardo Dapia ("Mr. Dapia"), for entry of an order lifting the automatic stay to allow a certain state court personal injury action filed under Docket No. ESX-L-5761-19 (the "State Court Action") to proceed on the condition that the plaintiff in that action limits his damages against the Debtor to available insurance proceeds [Docket No. 1179]; and Mr. Dapia and the Debtor having resolved the Motion; and Custom Steel Contractors, Inc. ("Custom Steel"), a co-defendant with the Debtor in the State Court Action, having received notice of the proposed form of this Order and having made no objection thereto; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, as amended on September 18, 2012; and venue being proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and notice of the Motion being sufficient under the circumstances; and it appearing that no other or further notice need be provided; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The automatic stay of section 362(a) of the Bankruptcy Code be, and hereby is, modified to allow Mr. Dapia to proceed with the State Court Action against the Debtor for the limited and sole purpose of pursuing and/or collecting any judgment from the proceeds of any applicable insurance coverage, provided that: (a) nothing contained herein shall be deemed a waiver of any rights or defenses to coverage of any insurer under any insurance policies issued to the Debtor that may be implicated by the State Court Action; (b) nothing herein shall be deemed or interpreted to expand the insurance coverage or applicability of such coverage that may be available with respect to the State Court Action; and (c) any self-insured retention provisions of any such insurance policies shall remain in full force and effect, provided that the Debtor's estates

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Debtor: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: Order Resolving Leonardo Dapia's Motion for Relief from the Automatic Stay to
Continue with State Court Personal Injury Claim Litigation to the Extent of Insurance Proceeds

shall have no obligation under any of the insurance policies to spend any money or incur any cost in defense of the State Court Action.

2. Said automatic stay is modified further to allow Custom Steel to proceed with its claims against the Debtor in the State Court Action, if any, for the limited and sole purpose of pursuing and/or collecting any judgment from the proceeds of any applicable insurance coverage and subject to the limitations in Paragraph 1 above.

3. Mr. Dapia and Custom Steel waive any right to recover or seek to recover any deductible from the Debtor, and they waive their right to file or assert any claim or proof of claim against the Debtor and its estate with respect to the State Court Action and/or Mr. Dapia's claim(s) asserted therein. Any proof of claim filed by Mr. Dapia or Custom Steel against the Debtor and its estate shall be deemed expunged and disallowed upon entry of this Order.

4. In the event there is insufficient insurance coverage to satisfy in full all claims, recoveries, settlements, judgments, and any and all other sums awarded in connection with all claims asserted against the Debtor's insurance policy for the same applicable policy year as the claims asserted by Mr. Dapia and Custom Steel, Mr. Dapia and Custom Steel agree to share the available insurance proceeds *pro rata* with any other claimants whose claims are asserted against or implicated the same policy year.

5. Should the court in the State Court Action award defense costs to the Debtor in connection with the State Court Action, the Debtor acknowledges that such award is for the benefit of its insurance carrier(s) that incurred the costs of the Debtor's defense in the State Court Action.

6. This Order shall be immediately effective and enforceable upon its entry.

7. The parties are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

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Debtor: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: Order Resolving Leonardo Dapia's Motion for Relief from the Automatic Stay to
Continue with State Court Personal Injury Claim Litigation to the Extent of Insurance Proceeds

8. This Court shall retain exclusive jurisdiction to hear and decide any and all disputes related to or arising from the implementation, interpretation or enforcement of this Order.

United States Bankruptcy Court
District of New Jersey

In re:
Hollister Construction Services, LLC
Debtor

Case No. 19-27439-MBK
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 6
Total Noticed: 1

Date Rcvd: Aug 26, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
Aug 28, 2020.

db +Hollister Construction Services, LLC, 339 Jefferson Road, Parsippany, NJ 07054-3707

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 28, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 26, 2020 at the address(es) listed below:

Adrienne C Rogove on behalf of Creditor 640 Columbia Owner LLC rogove@blankrome.com
Alan J. Brody on behalf of Creditor EWA Moonachie 77, LLC brody@gtlaw.com,
NJLitDock@gtlaw.com
Albert A. Ciardi, III on behalf of Interested Party Pentel Drywall, Inc.
aciardi@ciardilaw.com,
sfrizlen@ciardilaw.com; dtorres@ciardilaw.com; jcranston@ciardilaw.com; aaecf-pa@ciardilaw.com
Albert A. Ciardi, III on behalf of Interested Party Delcon Builders, Inc.
aciardi@ciardilaw.com,
sfrizlen@ciardilaw.com; dtorres@ciardilaw.com; jcranston@ciardilaw.com; aaecf-pa@ciardilaw.com
Alex A Pisarevsky on behalf of Creditor Pereira Electrical Contracting, Inc. ap@njlawfirm.com
Alexander F. Barth on behalf of Defendant J M Pereira And Sons Inc. abarth@cohenseglia.com
Allen I Gorski on behalf of Creditor Leader Electric Co., Inc. agorski@gorskiknowlton.com
Allen J Barkin on behalf of Creditor Drobach Equipment Rental Co. abarkin@sbmesq.com,
sandy@sbmesq.com
Allen J. Underwood, II on behalf of Creditor Horizon Blue Cross Blue Shield of New Jersey
ajunderwood@beckermeisel.com, ajunderwood@ecf.courtdrive.com; mambrose@becker.legal
Andrea Dobin on behalf of Creditor Committee Official Committee of Unsecured Creditors
adobin@msbnj.com
Andrew B. Cohn on behalf of Creditor Jonasz Precast, Inc. acohn@kaplaw.com
Andrew J. Kelly on behalf of Creditor Schnell Contracting Systems, LLC akelly@kbtlaw.com,
wsheridan@kbtlaw.com; cyaccarinoesq@me.com; saudino@kbtlaw.com; mgifford@kbtlaw.com; kgaldieri@kbtlaw.com; tgraga@kbtlaw.com
Andrew R. Macklin on behalf of Creditor Pereira Electrical Contracting, Inc. arm@njlawfirm.com
Angelo Anthony Stio, III on behalf of Interested Party 5 Bay Street Phase 1 LLC, 5 Bay Street
Phase 1 Sponsor Member Inc. and 5 Bay Street Phase 3 LLC angelo.stio@troutman.com
Angelo Anthony Stio, III on behalf of Interested Party 10 Minerva Place, L.P. and 10 Minerva
Place Housing Development Fund Corporation angelo.stio@troutman.com
Anna Patras on behalf of Creditor Bohler Engineering NY, PLLC apatras@bohlereng.com
Anthony Sodono, III on behalf of Creditor Committee Official Committee of Unsecured
Creditors asodono@msbnj.com
Anthony M. Rainone on behalf of Creditor Industrial Maintenance Industries
arainone@bracheichler.com,
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Arielle Adler on behalf of Debtor Hollister Construction Services, LLC aadler@lowenstein.com,
elawler@lowenstein.com; jkimble@lowenstein.com; cmaker@lowenstein.com
Arielle Adler on behalf of Plaintiff Hollister Construction Services, LLC
aadler@lowenstein.com, elawler@lowenstein.com; jkimble@lowenstein.com; cmaker@lowenstein.com
Bart J. Klein on behalf of Creditor Midway Glass & Metal Installers, Inc.
bart@bartjkleinlaw.com
Bart J. Klein on behalf of Unknown Role Type Reynolds Painting Group NJ, LLC
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Bart J. Klein on behalf of Unknown Role Type Apple Coring & Sawing, LLC bart@bartjkleinlaw.com

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Total Noticed: 1

Date Rcvd: Aug 26, 2020

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Bart J. Klein on behalf of Defendant Direct Cabinet Sales Of Red Bank Inc.
bart@bartjkleinlaw.com
Benjamin A. Stanziale, Jr. on behalf of Creditor Life Town Inc. ben@stanzialelaw.com
Brett Berman on behalf of Creditor Joffe Lumber & Supply Co., Inc. bberman@foxrothschild.com
Brian Gregory Hannon on behalf of Creditor Imperial Floors, LLC bhannon@norgaardfirm.com,
sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com
Brian R Tipton on behalf of Defendant State Line Construction Co. btipton@fpsflawfirm.com
Brian R Tipton on behalf of Creditor State Line Construction Company, Inc.
btipton@fpsflawfirm.com
Brian W. Hofmeister on behalf of Mediator Brian W. Hofmeister bwh@hofmeisterfirm.com,
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Bruce D. Buechler on behalf of Debtor Hollister Construction Services, LLC
bbuechler@lowenstein.com
Bryce Wallace Newell on behalf of Creditor LEG Acquisition LLC bnewell@rosenberggestis.com
Carl J. Soranno on behalf of Defendant Haddad Heating & Plumbing Inc.
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Carol L. Knowlton on behalf of Creditor KSS Architects cknowlton@gorskiknowlton.com
Charles A. Gruen on behalf of Creditor Michaels Electrical Supply Corp. cgruen@gruenlaw.com
Charles R Cohen on behalf of Creditor Pereira Electrical Contracting, Inc. crc@njlawfirm.com
Christopher E. Hartmann on behalf of Defendant Katchen Steel Construction, Inc.
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Christopher E. Hartmann on behalf of Defendant Leslie Katchen Steel Construction, Inc.
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Christopher M. Santomassimo on behalf of Creditor Dancker csantomassimo@ndslaw.com
Christopher P. Coval on behalf of Creditor Allglass Systems, LLC ccoval@fsdc-law.com
Clement J Farley on behalf of Creditor Mercedes-Benz USA, LLC cfarley@mccarter.com
Curtiss T. Jameson on behalf of Creditor C Restoration, Inc. cjameson@jamesonesg.com
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Danielle Cohen on behalf of Defendant Global Development Contractors, L.L.C.
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David L. Bruck on behalf of Creditor Nomad Framing, LLC bankruptcy@greenbaumlaw.com
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dveix@hartylawgroup.com
Donna L. Thompson on behalf of Creditor Prendimano Electrical Maintenance Co. t/a PEMCO
donna.thompson@dlthompsonlaw.com, dlthompsonlaw@aol.com
Douglas Claggett Gray on behalf of Creditor Carson Corporation dgray@mdsfirm.com
Douglas Claggett Gray on behalf of Defendant Carson Corporation dgray@mdsfirm.com
Edmund Campbell on behalf of Creditor Glass Systems Tech, LLC
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Total Noticed: 1

Date Rcvd: Aug 26, 2020

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Eric Biderman on behalf of Creditor SBLP Princeton, LLC, a Delaware limited liability company eric.biderman@arentfox.com
Eric J. Hughes on behalf of Creditor Liberty Mutual Insurance Company ehughes@mdmc-law.com
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Felice R. Yudkin on behalf of Interested Party Newkirk Realty LLC fyudkin@coleschotz.com, fpisano@coleschotz.com
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Greg Trif on behalf of Creditor Sparwick Contracting, Inc. gtrif@triflaw.com, gtrif@triflaw.com
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James C. Dezaio, III on behalf of Creditor Antonio Zarfino gerald@dezaolaw.com
James C. Dezaio, III on behalf of Creditor Mayer Weberman gerald@dezaolaw.com
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Jeffrey J. Rea on behalf of Defendant City Contracting, Inc. jeffrea@aol.com
Jeffrey J. Rea on behalf of Creditor Lienor City Contracting, Inc. jeffrea@aol.com
Jeffrey Paul Valacer on behalf of Creditor MixOnSite USA, Inc. jvalacer@cohenseglia.com
Jeffrey Paul Valacer on behalf of Defendant MixOnSite USA, Inc. jvalacer@cohenseglia.com
Jeffrey W. Herrmann on behalf of Creditor Pereira Electrical Contracting, Inc. jwh@njlawfirm.com, ap@njlawfirm.com;md@njlawfirm.com;r57289@notify.bestcase.com
Jenny R. Kasen on behalf of Defendant SP Builders Contractors Inc. jkasen@kasenlaw.com, dkasen@kasenlaw.com
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Joseph H. Lemkin on behalf of Creditor Conewago Enterprises, Inc. jlemkin@stark-stark.com
Joseph H. Lemkin on behalf of Debtor Hollister Construction Services, LLC jlemkin@stark-stark.com
Joseph H. Lemkin on behalf of Creditor Fabcon Precast jlemkin@stark-stark.com
Joseph J. DiPasquale on behalf of 3rd Party Plaintiff Hollister Construction Services, LLC jdipasquale@lowenstein.com
Joseph J. DiPasquale on behalf of Defendant Hollister Construction Services, LLC jdipasquale@lowenstein.com
Joseph J. DiPasquale on behalf of Debtor Hollister Construction Services, LLC jdipasquale@lowenstein.com
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Joseph L. Schwartz on behalf of Creditor Edison Construction Management jschwartz@riker.com
Joseph L. Schwartz on behalf of Creditor Sunstone Hotels Morristown, LLC jschwartz@riker.com
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Total Noticed: 1

Date Rcvd: Aug 26, 2020

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

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Joseph L. Schwartz on behalf of Creditor Newark Warehouse Redevelopment Company
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Joseph R. Fischer on behalf of Defendant Nordic Contracting Company, Inc.
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Joshua H. Raymond on behalf of Creditor Committee Official Committee of Unsecured Creditors
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K. Joseph Vyzas on behalf of Creditor Rexel, Inc. joe@carlawyernj.com

Karen L Thurston on behalf of Creditor Myrage LLC kthurston@frkblaw.com

Karen M Murray on behalf of Interested Party P3 Metals, LLC kmurray@murraynjlaw.com,
kdilks@cvmlawoffices.com

Karen M Murray on behalf of Interested Party P. Tamburri Steel kmurray@murraynjlaw.com,
kdilks@cvmlawoffices.com

Kenneth A. Rosen on behalf of 3rd Party Plaintiff Hollister Construction Services, LLC
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Kenneth A. Rosen on behalf of Debtor Hollister Construction Services, LLC
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Kenneth A. Rosen on behalf of Other Prof. 10X CEO Coaching krosen@lowenstein.com,
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Kenneth A. Rosen on behalf of Defendant Hollister Construction Services, LLC
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Larry L. Miller on behalf of Creditor L&W Supply Corporation llmlaw@outlook.com

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Lawrence B. Diener on behalf of Creditor Advanced Scaffold Services, LLC LBDiener@optimum.net

Lawrence B. Diener on behalf of Defendant Advanced Scaffold Services Mid-Atlantic LLC
LBDiener@optimum.net

Lawrence B. Diener on behalf of Creditor Advanced Scaffold Services Mid-Atlantic LLC
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Marc D. Miceli on behalf of Interested Party R. Cipollini, Inc. t/a Cipollini Roofing
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Marc D. Miceli on behalf of Plaintiff Hollister Construction Services, LLC
mmiceli@sm-lawpc.com, lindsay@sm-lawpc.com

Margreta Morgulas on behalf of Creditor 3L & Company, Inc. mmorgulas@okinhollander.com

Marguerite Schaffer on behalf of Creditor c/o Marguerite M. Unique Scaffolding Systems, LLC
mschaffer@shainlaw.com

Mario A. Batelli on behalf of Creditor 360 Fire Prevention 360 Fire Prevention LLC
mbatelli@fostermazzielaw.com

Mark E. Felger on behalf of Interested Party Ricoh USA, Inc. mfelger@cozen.com,
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Martin P. Skolnick on behalf of Creditor Archmills LLC d/b/a ArchMills Doors and Hardware
mskolnick@gmail.com

Martin P. Skolnick on behalf of Creditor Stateline Fabricators, LLC mskolnick@gmail.com

Mary E. Seymour on behalf of Debtor Hollister Construction Services, LLC
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Meredith I. Friedman on behalf of Creditor CTC Academy mfriedman@wilentz.com,
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Michael Kahme on behalf of Creditor Accordia Harrison Urban Renewal, LLC
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Michael Stafford on behalf of Creditor Anvil Craft Corp. mjstafford@nordlaw.legal,
norddemaio@aol.com/adamnorddemaio@aol.com

Michael D. Sirota on behalf of Interested Party Newkirk Realty LLC msirota@coleschotz.com,
fpisano@coleschotz.com

Michael J. Shavel on behalf of Creditor Accordia Harrison Urban Renewal, LLC
mshavel@hillwallack.com, shavelmr99123@notify.bestcase.com

Michael R. Herz on behalf of Defendant Benco Inc. mherz@foxrothschild.com,
cbrown@foxrothschild.com

Michael R. Herz on behalf of Creditor Troon Electric of New Jersey LLC
mherz@foxrothschild.com, cbrown@foxrothschild.com

Michele Lane Ross on behalf of Creditor Control Services, LLC sterry@mrossllc.com,
arivera@mrossllc.com

Mitchell Malzberg on behalf of Creditor Vector Structural Preservation Corp.
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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

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maresta@durkinlawfirm.com, mdurkin@durkinlawfirm.com
Murphy Durkin on behalf of Creditor Dehn Bros. Fire Protection, Inc.
maresta@durkinlawfirm.com, mdurkin@durkinlawfirm.com
Nicholas Verna on behalf of Interested Party Interlink Transport Technologies, Inc. (dba MSC
Technology (North America) Inc.) nick.verna@wbd-us.com
Nicole M. Nigrelli on behalf of Interested Party Pentel Drywall, Inc. nnigrelli@ciardilaw.com,
sfrizlen@ciardilaw.com; dtorres@ciardilaw.com
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sfrizlen@ciardilaw.com; dtorres@ciardilaw.com
Nicole M. Nigrelli on behalf of Defendant Delcon Builders Inc. nnigrelli@ciardilaw.com,
sfrizlen@ciardilaw.com; dtorres@ciardilaw.com
Nicole M. Nigrelli on behalf of Interested Party Delcon Builders, Inc.
nnigrelli@ciardilaw.com, sfrizlen@ciardilaw.com; dtorres@ciardilaw.com
Pearl Shah on behalf of Creditor Kone Inc. pshah@mcgrailbensinger.com
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Philip William Allogrimento on behalf of Defendant FM Construction Group, LLC
pallogrimento@connellfoley.com
Philip William Allogrimento on behalf of Creditor Environmental Devices, Inc.
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Philip William Allogrimento on behalf of Defendant Sunny Brook Pressed Concrete
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Philip William Allogrimento on behalf of Creditor FM Construction Group, LLC
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Philip William Allogrimento on behalf of Defendant Maverick Building Services, Inc.
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mlm@weltmosk.com; mkj@weltmosk.com; aw@weltmosk.com
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Robert Saul Molnar on behalf of Creditor Starlite Electric LLC molnarrs@aol.com
Rocco A. Cavaliere on behalf of Creditor Titan Industrial Services Corp.
rcavaliere@tarterkrinsky.com
Ryan M. Ernst on behalf of Creditor Lally Pipe & Tube rernst@oeblegal.com, mjoyce@oelegal.com
Sam Della Fera on behalf of Creditor Committee Official Committee of Unsecured Creditors
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Seth Ptasiwicz on behalf of Creditor New Jersey Building Laborers Statewide Benefit Funds
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Sommer Leigh Ross on behalf of Creditor PNC Bank, National Association slross@duanemorris.com,
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Stephanie L. Jonaitis on behalf of Interested Party 10 Minerva Place, L.P. and 10 Minerva
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Stephanie L. Jonaitis on behalf of Interested Party 5 Bay Street Phase 1 LLC, 5 Bay Street
Phase 1 Sponsor Member Inc. and 5 Bay Street Phase 3 LLC stephanie.jonaitis@troutman.com,
balaa@pepperlaw.com
Stephen V. Falanga on behalf of Interested Party Fairleigh Dickinson University
sfalanga@thewalshfirm.com, chemrick@thewalshfirm.com; mvargas@thewalshfirm.com
Stephen V. Falanga on behalf of Creditor Schindler Elevator Corporation
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Steven B Smith on behalf of Interested Party CS Utica & Remsen LLC ssmith@herrick.com,
courtntices@herrick.com; lporetzsky@herrick.com
Steven J. Mitnick on behalf of Plaintiff Hollister Construction Services, LLC
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fpisano@coleschotz.com
Stuart Komrower on behalf of Creditor Orion Interiors, Inc. skomrower@coleschotz.com,
fpisano@coleschotz.com
Sydney J. Darling on behalf of Interested Party Fairleigh Dickinson University
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Tara J. Schellhorn on behalf of Creditor Newark Warehouse Redevelopment Company
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Tara J. Schellhorn on behalf of Creditor Newark Warehouse Urban Renewal, LLC
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Thomas D. McKeon on behalf of Creditor FN Dynamic, Inc tmckeonlaw@aol.com,
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system (continued)

Tod S. Chasin, I on behalf of Creditor Newark Warehouse Redevelopment Company
tchasin@riker.com
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TOTAL: 201